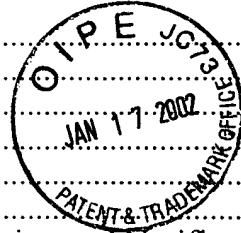


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S. Sund
1/31/02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application Serial No.09/396,701
Filing Date September 15, 1999
Inventor Anoop Gupta et al.
Group Art Unit 2152
Examiner Prieto, Beatriz
Attorney's Docket No. MS1-388US
Title: Facilitating Annotation Creation and Notification Via Electronic Mail



DECLARATION UNDER 37 C.F.R. § 1.131

As a below named inventor, I hereby declare that:

I am an inventor of the subject matter that is claimed and for which a patent is sought on the invention entitled "Facilitating Annotation Creation and Notification Via Electronic Mail", as identified above.

The invention was conceived in the United States prior to March 13, 1998, the filing date of U.S. Patent No. 6,105,055 to Pizano et al. Further, I diligently pursued reducing the invention to practice until the invention was reduced to practice at least as early as April 23, 1998.

To support my assertion, I have attached several exhibits as evidence.

Exhibit One. This is a portion of an internal corporate document titled "Video Annotation Specification" and saved with a file name "Architecture.doc" that was prepared prior to the March 13, 1998 filing date of the Pizano et al. patent. Although the document has no date marked on it, I declare that the content of this document existed prior to March 13, 1998. Exhibit One evidences that the invention was conceived before March 13, 1998, which predates the filing date of the Pizano et al. patent.

This document provides evidence that I conceived the invention concepts as described and claimed in my above-identified application. In particular, see Section

1 2.2 discussing annotation types including email messages (both original email
2 messages and reply messages), and Section 3 discussing an architectural overview.

3 Exhibit Two. This is a check-in history document for a file tracked by the
4 Microsoft Visual SourceSafe® version control system, which is a code/document
5 versioning and management tool. This document evidences creation of the
6 “Architecture.doc” file (portions of which are Exhibit One) on February 2, 1998 and
7 checking-in of the “Architecture.doc” file into the Visual SourceSafe® version
8 control system on February 2, 1998, both prior to the March 13, 1998 filing date of
9 the Pizano et al. patent.

10 Exhibit Three. This is a portion of an internal corporate document saved with
11 a file name “ClientServer.doc” that was prepared prior to the March 13, 1998 filing
12 date of the Pizano et al. patent. Although the document has no date marked on it, I
13 declare that the content of this document existed prior to March 13, 1998. Exhibit
14 Three provides evidence that I conceived the invention concepts as described and
15 claimed in my above-identified application before March 13, 1998, which predates
16 the filing date of the Pizano et al. patent.

17 Exhibit Four. This is a check-in history document for a file tracked by the
18 Microsoft Visual SourceSafe® version control system, which is a code/document
19 versioning and management tool. This document evidences creation of the
20 “ClientServer.doc” file (portions of which are Exhibit Three) on February 2, 1998
21 and checking-in of the “ClientServer.doc” file into the Visual SourceSafe® version
22 control system on February 3, 1998, both prior to the March 13, 1998 filing date of
23 the Pizano et al. patent.

24 Exhibit Five. This is an electronic mail document including an annotation
25 sent using a working prototype of the invention. I declare that this email message

1 was generated using a prototype of the invention. This document evidences the
2 existence of a working prototype of the invention at least as early as April 23, 1998.

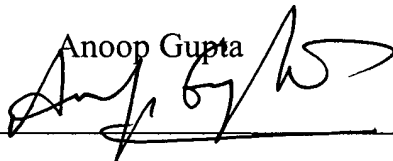
3
4 All statements made herein of my own knowledge are true and that all
5 statements made on information and belief are believed to be true; and further that
6 these statements were made with the knowledge that willful false statements and
7 the like so made are punishable by fine or imprisonment, or both, under
8 Section 1001 of Title 18 of the United States Code and that such willful false
9 statement may jeopardize the validity of the application or any patent issued
10 therefrom.

11
12 * * * * *

13 Full name of inventor:

Anoop Gupta

14 Inventor's Signature



Date:

1/15/02

15 Residence: 19908 NE 129th Street, Woodinville, Washington 98072

16 Citizenship: USA

17 Post Office Address:

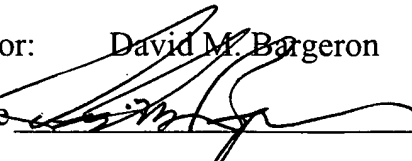
Same as Residence

18
19 * * * * *

20 Full name of inventor:

David M. Bergeron

21 Inventor's Signature



Date:

1/7/02

22 Residence: 7211 30th Avenue N.W., Seattle, Washington 98117

23 Citizenship: USA

24 Post Office Address:

Same as Residence